

2015-11-04 12:05:23

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

Trista Farhan, personally and as personal
representative of the Estate of Douglas Evans,

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

Plaintiff(s)

vs.

Anderson County, Anderson County Sheriff's
Office, Officer Miller, Officer Glen, Officer
Acevedo, Officer Moore, Lt. Kindley, Officer
Hendrix, Officer Scott and Officer Hagood,

Defendant(s)

Submitted By: Josh Hawkins

Address: 1225 S. Church St., Greenville, SC 29605

SC Bar #: 78470

Telephone #: 864-275-8142

Fax #: 864-752-0911

Other:

E-mail: josh@jthawkinslaw.com

2015-CP - 04- 02327

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INSURANCE RESERVE FUND
CLAIMS DEPARTMENT

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint ☐ NON-JURY TRIAL demanded in complaint
- ☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules
- ☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules
- ☐ This case is exempt from ADR (Proof of ADR/Exemption Attached)

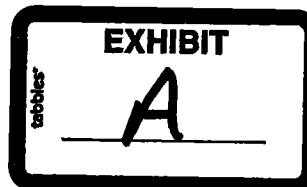
NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|---|
| Contracts | Torts - Professional Malpractice | Torts - Personal Injury | Real Property |
| <input type="checkbox"/> Constructions (100) | <input type="checkbox"/> Dental Malpractice (200) | <input type="checkbox"/> Assault/Slander/Libel (300) | <input type="checkbox"/> Claim & Delivery (400) |
| <input type="checkbox"/> Debt Collection (110) | <input type="checkbox"/> Legal Malpractice (210) | <input type="checkbox"/> Conversion (310) | <input type="checkbox"/> Condemnation (410) |
| <input type="checkbox"/> Employment (120) | <input type="checkbox"/> Medical Malpractice (220) | <input type="checkbox"/> Motor Vehicle Accident (320) | <input type="checkbox"/> Foreclosure (420) |
| <input type="checkbox"/> General (130) | Previous Notice of Intent Case # | <input type="checkbox"/> Premises Liability (330) | <input type="checkbox"/> Mechanic's Lien (430) |
| <input type="checkbox"/> Breach of Contract (140) | 20 -CP- - | <input type="checkbox"/> Products Liability (340) | <input type="checkbox"/> Partition (440) |
| <input checked="" type="checkbox"/> Other (199) | <input type="checkbox"/> Notice/ File Med Mal (230) | <input type="checkbox"/> Personal Injury (350) | <input type="checkbox"/> Possession (450) |
| | <input checked="" type="checkbox"/> Other (299) | <input type="checkbox"/> Wrongful Death (360) | <input type="checkbox"/> Building Code Violation (460) |
| | | <input type="checkbox"/> Other (399) | <input type="checkbox"/> Other (499) |
| Inmate Petitions | Administrative Law/Relief | Judgments/Settlements | Appeals |
| <input type="checkbox"/> PCR (500) | <input type="checkbox"/> Reinstate Drv License (800) | <input type="checkbox"/> Death Settlement (700) | <input type="checkbox"/> Arbitration (900) |
| <input type="checkbox"/> Mandamus (520) | <input type="checkbox"/> Judicial Review (810) | <input type="checkbox"/> Foreign Judgment (710) | <input type="checkbox"/> Magistrate-Civil (910) |
| <input type="checkbox"/> Habeas Corpus (530) | <input type="checkbox"/> Relief (820) | <input type="checkbox"/> Magistrate's Judgment (720) | <input type="checkbox"/> Magistrate-Criminal (920) |
| <input type="checkbox"/> Other (599) | <input type="checkbox"/> Permanent Injunction (830) | <input type="checkbox"/> Minor Settlement (730) | <input type="checkbox"/> Municipal (930) |
| | <input type="checkbox"/> Forfeiture-Petition (840) | <input type="checkbox"/> Transcript Judgment (740) | <input type="checkbox"/> Probate Court (940) |
| | <input type="checkbox"/> Forfeiture-Consent Order | <input type="checkbox"/> Lis Pendens (750) | <input type="checkbox"/> SCDOT (950) |
| | <input type="checkbox"/> Other (899) | <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) | <input type="checkbox"/> Worker's Comp (960) |
| Special/Complex/Other | | <input type="checkbox"/> Confession of Judgment (770) | <input type="checkbox"/> Zoning Board (970) |
| <input type="checkbox"/> Environmental (600) | <input type="checkbox"/> Pharmaceuticals (630) | <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) | <input type="checkbox"/> Public Service Comm (990) |
| <input type="checkbox"/> Automobile Arb (610) | <input type="checkbox"/> Unfair Trade Practices (640) | <input type="checkbox"/> Other (799) | <input type="checkbox"/> Employment Security Comm (991) |
| <input type="checkbox"/> Medical (620) | <input type="checkbox"/> Out-of-State Depositions (650) | | <input type="checkbox"/> Other (999) |
| <input type="checkbox"/> Other (699) | <input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660) | | |
| | <input type="checkbox"/> Sexual Predator (510) | | |

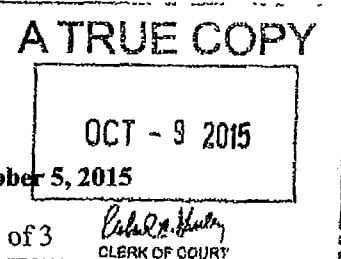
Submitting Party Signature: _____

Date: October 5, 2015

SCCA / 234 (04/2012)



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Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq

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FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Clarendon, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lee, Lexington, Pickens (Family Court Only), Richland, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT

You are required to take the following action(s):

- 1 The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
- 2 The initial ADR conference must be held within 300 days after the filing of the action
- 3 Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide)
- 4 Cases are exempt from ADR only upon the following grounds:
 - a Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition,
 - b Requests for temporary relief,
 - c Appeals
 - d Post Conviction relief matters;
 - e Contempt of Court proceedings.
 - f Forfeiture proceedings brought by governmental entities,
 - g. Mortgage foreclosures; and
 - h Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
- 5 In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation
- 6 Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.

2015-11-04 12:05:25

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

Trista Farhan, personally and as personal
representative of the Estate of Douglas Evans,

Plaintiff,

vs.

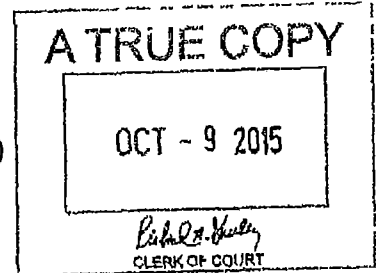
Anderson County, Anderson County Sheriff's
Office, Officer Miller, Officer Glen, Officer
Acevedo, Officer Moore, Lt. Kindley, Officer
Hendrix, Officer Scott and Officer Hagood,

Defendants.

) IN THE COURT OF COMMON PLEAS

) CASE NO. 2015-CP-04- 02327

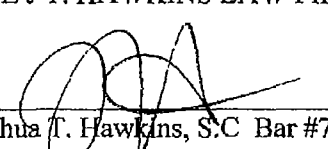
SUMMONS

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YOU ARE HEREBY SUMMONED and required to answer the complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your answer to the said complaint on the subscribers at their office, 1225 South Church, Greenville, South Carolina, 29605, within thirty (30) days after service thereof exclusive of the day of such service, and if you fail to answer the complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the complaint.

Respectfully submitted,

THE J T. HAWKINS LAW FIRM, LLC


 Joshua T. Hawkins, S.C Bar #78470
 1225 South Church Street
 Greenville, South Carolina 29605
 (864) 275-8142
 (864) 752-0911 (fax)
 josh@jthawkinslaw.com
 Attorney for the Plaintiff

10/5, 2015
 Greenville, South Carolina

2015-11-04 12:05:26

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

Trista Farhan, personally and as personal
representative of the Estate of Douglas Evans,

Plaintiff,

vs.

Anderson County, Anderson County Sheriff's
Office, Officer Miller, Officer Glen, Officer
Acevedo, Officer Moore, Lt. Kindley, Officer
Hendrix, Officer Scott and Officer Hagood,

Defendants.

IN THE COURT OF COMMON PLEAS

CASE NO. 2015-CP-04- 02327

COMPLAINT
(Jury Trial Requested)

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A TRUE COPY

OCT - 9 2015

Robert A. Hickey
CLERK OF COURT

COMES NOW, the plaintiff, alleging and complaining of the defendants as follows:

PARTIES, JURISDICTION AND VENUE

1. The plaintiff is a citizen and resident of Anderson County, South Carolina.
2. Anderson County is a political subdivision of the State of South Carolina.
3. The Anderson County Sheriff's Office is a department of the County of Anderson, existing pursuant to the laws of South Carolina for the purpose of law enforcement.
4. Upon information and belief, Officer Miller is a citizen and resident of Anderson County, South Carolina.
5. Upon information and belief, Officer Glen is a citizen and resident of Anderson County, South Carolina.
6. Upon information and belief, Officer Acevedo is a citizen and resident of Anderson County, South Carolina.
7. Upon information and belief, Officer Moore is a citizen and resident of Anderson County, South Carolina.
8. Upon information and belief, Lt. Kindley is a citizen and resident of Anderson County, South Carolina.
9. Upon information and belief, Officer Hendrix is a citizen and resident of Anderson County, South Carolina.

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10 Upon information and belief, Officer Hagood is a citizen and resident of Anderson County, South Carolina.

11. This Court has jurisdiction pursuant to *South Carolina Code* §§15-78-10 through 220.

12 Venue and jurisdiction are proper for the foregoing reasons.

FACTUAL BACKGROUND

13 The plaintiff incorporates the foregoing paragraphs as if repeated here, verbatim.

14 On October 13, 2013, the defendants initiated an automobile chase with a car containing the Evans.

15. Upon information and belief, the defendants chased Evans at excessive speeds, endangering Evans and other citizens

16. The defendants used a "stop stick" to puncture the tires of the car in which Evans rode, and caused the car to crash.

17. The defendants then chased Evans on foot, tasered Evans numerous times, and beat him savagely.

18 After being savagely beaten and tasered, Evans became unresponsive.

19 Upon information and belief, the defendants' numerous tasings and savage beating killed Evans

20. Upon information and belief, the defendants' gross negligence, intentional acts, recklessness, deliberate indifference and other acts and omissions caused, exacerbated, intensified and/or worsened Evans' injuries, directly and proximately causing him to suffer pain and ultimately caused his death.

21 During all times described herein, the individual defendants acted under color of law and acted under color of law when they violated Evans' civil and Constitutional rights.

22 Upon information and belief, the defendants endorsed, ratified and condoned the actions of their co-defendants

FOR A FIRST CAUSE OF ACTION

**(Violation of the United States Constitution, 42 U.S.C. §1983, and
The South Carolina Constitution)**

23. The plaintiff incorporates the foregoing paragraphs as if repeated here, verbatim

24. Pursuant to the U.S. Constitution and the S.C Constitution, Evans had the right to be secure in his person against unreasonable searches and seizures, and this right is applicable to the

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conduct of state and municipal law enforcement personnel and employees. Evans had the right to be secure in his person against unreasonable invasions of privacy. Evans had the right to be secure in his person against unlawful beatings, excessive beatings and cruel and unusual punishment.

25 Upon information and belief, the defendants, including the Anderson County Sheriff's Office, its employees and/or others, severely injured Evans, unnecessarily beat him, and ultimately killed him

26 The government employee defendants used unnecessary physical force with the plaintiff, seizing his person, tasing him multiple times, and beating him savagely

27 The defendants' acts constituted violations of the U.S. Constitution and the S C Constitution

28 As a direct and proximate result of defendants' conduct, by and through government employees, the plaintiff was deprived of his rights, privileges, and immunities secured by the U.S. Constitution and S.C Constitution

29 The defendants used their position to inflict pain on Evans, deprive him of necessary medical treatment, and ultimately caused his death.

30. Acting under color of state law and in the course of conducting an unlawful stop, an unreasonably dangerous chase, and/or an excessive beating, the defendants acted with deliberate indifference to the plaintiff's civil rights.

31 No reasonable law enforcement officer or government employee could have believed that the defendants' actions comported with the U.S. Constitution and S.C Constitution, in light of the clearly established legal rules for police conduct.

32 The plaintiff is therefore informed and believes that the Estate of Evans is entitled to judgment against the defendants pursuant to 42 U.S.C. §1983.

FOR A SECOND CAUSE OF ACTION
(Wrongful Failure to Supervise Police Officer)

33 The plaintiff incorporates the foregoing paragraphs as if repeated here, verbatim.

34 Anderson County and the Anderson County Sheriff's Office had a duty to supervise persons hired to serve as police officers, sheriffs, deputies, guards and other state employees that interacted with the plaintiff.

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35. The defendants breached their duty in a grossly negligent and reckless manner to adequately supervise the state employees in the following particulars:

- a. ~~in failing to ensure that state employees complied with policies and procedures regarding incidences such as the one which led to the events described herein;~~
- b. in failing to ensure that officers and employees complied with employment policies and procedures regarding arrest, detention of and interaction with persons such as Evans;
- c. in failing to reprimand or terminate the employment of pertinent officers and employees when the defendants learned of various acts of excessive force, seizure and other acts perpetrated by state employees prior to the date described herein, and in condoning such behavior;
- d. in failing to warn Evans and others of the state employees' dangerous propensities toward others;
- e. in failing to investigate the conduct of the state employees toward the Evans;
- f. in failing to conduct proper background checks before hiring employees;
- g. in failing to provide proper training,
- h. in failing to require proper training and education prior to hiring employees; and,
- i. in other such particulars as will be shown through discovery and at trial.

36. As a direct and proximate result of the reckless and grossly negligent acts and omissions of one or more defendants in the hiring and supervision of governmental employees, the plaintiff suffered the injuries and damages set forth above

FOR A THIRD CAUSE OF ACTION
(Common Law Liability for Gross Negligence & Recklessness)

37. The plaintiff incorporates the foregoing paragraphs as if repeated here, verbatim.

38. The defendants had a duty to exercise due care, defined to mean the care which a person of ordinary reason and prudence would exercise in the circumstances described herein

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39. The defendants had a duty to exercise that degree of knowledge, skill, and care by and through its government employees, required of such officers and employees, which is ordinarily possessed and exercised by those in their special line of work.

40. The defendants owed a duty to Evans to

- a. avoid assaulting Evans,
- b. avoid battering Evans;
- c. avoid stopping Evans, chasing him, placing him under arrest and seizing his person unnecessarily without proper cause or justification;
- d. avoid handling Evans in an unreasonably rough manner;
- e. avoid savagely beating Evans;
- f. avoid excessively tasing Evans; and
- g. other duties as will be shown through discovery.

41. The defendants breached their duty in a reckless and grossly negligent manner in several ways, including the following particulars:

- a. by failing to ensure that government employees complied with all applicable policies and procedures;
- b. by failing to follow up on complaints made by other persons about government employees prior to the pertinent officers' and employees' tortious actions described herein,
- c. by failing to adequately investigate government employees' conduct prior to their tortious actions described herein;
- d. by failing to properly monitor Evans' condition and administer appropriate medication and medical care.
- e. by authorizing, adopting, and ratifying, the conduct of government employees toward Evans;
- f. by stopping Evans without probable cause,
- g. by chasing Evans at excessive speeds;
- h. by intentionally crashing the car containing Evans,
- i. by tasing Evans multiple times;
- j. by hitting, punching, kicking and savagely beating Evans until he was dead; and

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k. in other such particulars as will be shown through discovery and at trial.

56 As a direct and proximate result of the grossly negligent and reckless acts and omissions of the defendants, Evans sustained the injuries and damages set forth above.

FOR A FOURTH CAUSE OF ACTION
(Wrongful Death)

57 The plaintiff incorporates the forgoing paragraphs as if repeated here, verbatim.

58. The defendants owed Evans a duty of care, including the duty to avoid using lethal force unnecessarily on an unarmed suspect, repeatedly and unnecessarily tasing Evans, and other duties described above

59. The defendants negligently and recklessly breached their duty to Evans.

60 As a proximate result of the defendants' breach, Evans was killed

61 The plaintiff is therefore informed and believes the Estate of Evans is entitled to judgment against the defendants for Evans' wrongful death.

FOR A FIFTH CAUSE OF ACTION
(Survival Action, S.C. Code §15-5-90)

57 The plaintiff incorporates the forgoing paragraphs as if repeated here, verbatim

58 Pursuant to S C Code §15-5-90, the plaintiff brings this statutory survival action to recover for any and all injuries to the decedent caused by the defendants.

59. The defendants owed a duty of care to the decedent.

60 The defendants breached their duty of care in a grossly negligent and reckless manner in some or all of the following particulars.

- a. Unnecessarily tasing the decedent;
- b. Unnecessarily and savagely beating the decedent;
- c Continuing to beat and taser the decedent after any perceived threat had ended;
- d. Causing excruciating pain before killing decedent; and
- e. In such other ways as will be shown through discovery and at trial.

61 As a direct and proximate result of the acts and omissions of the defendants, the decedent was damaged in that he experienced conscious pain and suffering before his death

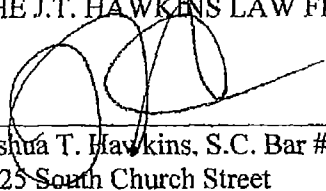
62 The plaintiff is therefore informed and believes the Estate of Evans is entitled to judgment against the defendants for Evans' pain and suffering before death.

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WHEREFORE, the plaintiff demands a jury trial and judgment against the defendants for actual and punitive damages to be determined by the Court as will fully compensate the Estate of Evans for his damages, for the costs of this action, for reasonable attorney's fees pursuant to 42 U.S.C. §1988 and any other applicable authority herein cited or otherwise, and for such other relief as this Court deems just and equitable

Respectfully submitted,

THE J.T. HAWKINS LAW FIRM, LLC



Joshua T. Hawkins, S.C. Bar #78470
1225 South Church Street
Greenville, South Carolina 29605
(864) 275-8142
(864) 752-0911 (fax)
josh@jthawkinslaw.com
Attorney for the Plaintiff

10/5, 2015
Greenville, South Carolina

2015-11-04 12:05:30

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

Trista Farhan, personally and as personal
representative of the Estate of Douglas Evans,

Plaintiff,

vs.

Anderson County, Anderson County Sheriff's
Office, Officer Miller, Officer Glen, Officer
Acevedo, Officer Moore, I.A. Kindley, Officer
Hendrix, Officer Scott and Officer Hagood,

Defendants

IN THE COURT OF COMMON PLEAS

CASE NO. 2015-CP-04- 02327

VERIFICATION

PERSONALLY appeared before me the undersigned who, after first being duly sworn,
states

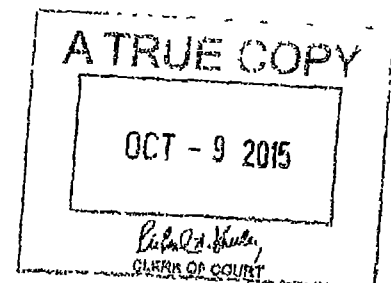
That she is the plaintiff in the foregoing action, that she has read the allegations in the
complaint and the same are true of her own knowledge except those stated therein to be based
upon information and belief, and as to those, she believes them to be true

Trista Farhan
Trista Farhan

SWORN TO BEFORE ME THIS 9th
Day of October, 2015

Ruth A. DiPasquale

Notary Public for South Carolina

My commission expires 03/06/2022

2015-11-04 12:05:23

The J.T. Hawkins Law Firm, LLC
Attorney at Law

1225 South Church Street
Greenville, South Carolina 29605
Telephone: (864) 275-8142
Facsimile: (864) 752-0911
josh@jthawkinslaw.com

October ¹³~~12~~, 2015

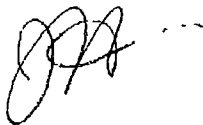
Rusty Burns
Anderson County Administrator
101 South Main Street
Anderson, South Carolina 29624

Re: *Trista Farhan vs Anderson County et al*
Case Number: 2015-CP-04-02327

Dear Mr. Burns,

Please find attached a clocked copy of the civil action coversheet, summons and complaint along with discovery requests in the above-referenced action, hereby served upon you for service of process as the defendants. You must respond to the complaint within 30 days, or we will file a motion for default judgment and the Court may enter default pursuant to Rule 55 SCRPC. Should you have any questions, please do not hesitate to contact our office.

Sincerely,



Joshua T. Hawkins

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CLAIMS DEPARTMENT

